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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/764,248 | 01/23/2004 | Kathleen M. Frigon | MFCP.110229 | 8055 |

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EXAMINER

BLACKWELL, JAMES H

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/764,248 | Applicant(s) FRIGON ET AL. | |
| | Examiner James H. Blackwell | Art Unit 2176 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an original application filed 01/23/2004 with a priority date of **01/23/2004**.
2. Claims 1-39 are pending. Claims 1, 20, and 34 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-6, 20, 22, 34, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Edelman (U.S. Patent No. 5,680,563 filed 07/25/1994, issued 10/21/1997).

In regard to independent Claim 1 (and similarly independent Claims 20, and 34), Edelman teaches *one or more filters selectable by the user which may be applied to said plurality of items to select one or more filtered items each of said filters having an associated default grouping* (see Figs. 2, 5-8 showing menus with filters for controlling what icons are displayed on the desktop display; Fig. 6 shows a submenu for Filters that shows the ways that the icons can be grouped and displayed on the desktop).

Edelman also teaches *an item presentation display component which presents at least a portion of the filtered items to the user, wherein said filtered items are displayed in one or more groups in accordance with the default grouping associated with a selected filter* (see Figs. 5-8 shows effects of applying various filters to what gets displayed on the desktop).

It is also noted that Edelman teaches that the filtered out items are gathered into a bundle of unusable items and displayed in a group (Abstract).

In regard to dependent Claims 2 and 5, Edelman teaches that *one or more of the filtered items has an associated visual representation, which may be presented to the user* (Figs. 5-8 depict items as icons, the icons portraying what sort of files they are). Claim 5 relates similar subject matter to that of Claim 2 and is rejected along the same rationale.

In regard to dependent Claim 6 (and similarly dependent Claims 22, and 36), Edelman teaches that *said selected filter chooses said filtered items by selecting items having one or more desired characteristics* (see Abstract; all items not matching a particular characteristic are filtered out)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4, 7-19, 21, 23-33, 35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman in view of Engst ("iPhoto 2 for Mac OS X: Visual Quickstart Guide", Copyright 04/21/2003, Peachpit Press).

In regard to dependent Claims 3-4, 21 and 35, Edelman fails to explicitly teach that *one or more of the filtered items are digital images*. However, Engst teaches a display screen that displays a users digital images, which are typically photographs (Pgs 1-3). Claims 4, and 21 relate similar subject matter to that of Claim 3 and is rejected along the same rationale. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of a convenient way to organize digital images on a computer.

In regard to dependent Claims 7-14, 23-25 and 37, Edelman fails to teach that *said selected filter chooses the filtered items by selecting items having an associated date and/or time within a desired interval of time*. However, Engst teaches that date/time information can be added into a title; and the content of titles are searchable (Pgs. 4-6). The dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order). Claims 8-14, and 23-25 relate similar subject matter to that of Claim 7 and are rejected along the same rationale. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides

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the benefit of organizing and displaying digital images on a computer based on specified characteristics (metadata).

In regard to dependent Claims 15-16, 27-28 and 38, Edelman fails to explicitly teach that *said selected filter chooses said filtered items by selecting items stored within a desired file folder*. However, Engst teaches albums, which are individual folders that act to group photographs with similar attributes (e.g., subject matter, rolls, etc) (Pgs. 7-9 show various albums (folders). Claims 16, and 27-28 relate similar subject matter to that of Claim 15 and are rejected along the same rationale. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of organizing and displaying digital images on a computer by albums.

In regard to dependent Claim 17-19, 29-31 and 39, Edelman fails to teach that *said selected filter chooses said filtered items by selecting items associated with one or more desired keywords*. However, Engst teaches searching (filtering) photos according to keywords that are assigned to them (Pg. 10-12). Claims 18-19 relate similar subject matter to that of Claim 17 and are rejected along the same rationale. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of organizing and displaying digital images on a computer by similar keywords.

In regard to dependent Claim 26, Edelman fails to explicitly teach that *said default grouping utilizes one or more gaps in time to group the filtered digital images*. However, Engst teaches the concept of a film roll, which are groupings of photographs taken/loaded over the same time interval. Multiple rolls are displayed separately where gaps in time would exist thereby separating/grouping the rolls by time/date (Pgs. 10-12). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Edelman and Engst as both inventions relate to organizing and displaying objects on a screen. Adding the teaching of Engst provides the benefit of organizing and displaying digital images on a computer by temporal gaps.

In regard to dependent Claim 32, Edelman teaches that *the one or more group characteristics are subsets of the desired characteristic* in that The filtering system is provided with a flexible interface by using object-oriented programming techniques and providing filtering objects organized in a filtering framework containing the filter objects. New filter objects can inherit function from existing filter objects and customized for a particular requirement (Col. 1, lines 48-52). Thus, filtering objects can be arranged and filtered hierarchically whereby characteristics (objects) may have parent (superset) or children (subsets) characteristics (objects). Thus, when filtering takes place, filtering objects would be grouped according the hierarchy.

In regard to dependent Claim 33, Edelman fails to explicitly teach that *said default grouping divides said filtered images into groups automatically*. However, Engst teaches default settings and changing the default settings on how photographs are displayed on the screen (Pgs. 13-15).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
03/01/2006

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
3/5/2006